

REMARKS

The Office Action dated August 22, 2008 has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto.

Claims 6-8 have been rejected, claims 1, 3-5, and 9 have been withdrawn, and claim 2 has been cancelled. Claims 6-8 are amended in this Response. Thus, claims 1 and 3-9 are pending in this application. Support for the amendments may be found in the Specification, as originally filed, at least at pages 13-14, Manufacturing Example 1. The Applicants submit that no new matter is added. The Applicants respectfully request reconsideration and withdrawal of all objections and rejections.

Objection to the Claims

Claims 6-8 are objected to because the Office Action states that the phrase "production method for a purification catalyst" should be changed to recite "method for production of a purification catalyst."

The Applicants have amended claims 6-8 as required by the Office Action. Accordingly, Applicants respectfully request withdrawal of the objection of claims 6-8.

Double Patenting Rejection

Claims 6-8 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent No. 7,259,127 to Suzuki et al. (hereinafter, "Suzuki"). The Office Action alleges that although the conflicting claims are not identical, they are not patentably distinct because both the instant

application and Suzuki recite the same process steps of how to prepare a purification catalyst. The Office Action further alleges that since the process steps are the same, it is only reasonable to conclude that it is inherent that the catalyst produced by the process of Suzuki would have the same catalytic structure as required by claim 6.

Applicants respectfully submit that Suzuki's claims are directed to a method for production of a purification catalyst including a Pd-rare earth metal composite oxide. In contrast, in the present application, claim 6 recites a method for production of a purification catalyst for exhaust gas, wherein the purification catalyst comprises a Pd oxide containing at least Ln_2PdO_4 supported by LnAlO_3 and Ln is a rare-earth element. Suzuki does not recite LnAlO_3 and the step of adding at least one compound to an aqueous solution including Ln and Pd and an aqueous nitrate solution including Ln and Al. Since Suzuki does not claim using LnAlO_3 and the adding step of claim 6, the Applicants submit that there are patentable distinctions between claim 6 and Suzuki.

Thus, Applicants respectfully request reconsideration and withdrawal of the nonstatutory obviousness-type double patenting rejection of claims 6-8.

Rejection Under 35 U.S.C. §112

Claims 6-8 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Office Action alleges that claim 6 recites "'adding the at least one compound to an aqueous nitrate solution,' but it does not particularly point out what metal? or compound? of the 'aqueous nitrate solution' [sic] being referred to in the claim."

The Applicants have amended claim 6 to clarify the claim language. Support for this amendment may also be found in the specification as originally filed at least at pages 13-14, Manufacturing Example 1. Accordingly, Applicants respectfully request withdrawal of the §112 rejection of claims 6-8.

Withdrawal of Previously Filed Terminal Disclaimers

The Applicants submit herewith a Petition under 37 C.F.R. §1.182 and the required fee requesting withdrawal of the two Terminal Disclaimers filed on April 29, 2009 (pursuant to the procedure described in MPEP Chapter 1400, paragraph VII), as they were filed inadvertently.

With regard to the provisional obviousness-type double patenting rejection of claims 6-8 over claims 5, 7, 14, and 16 of U.S. Patent Application Serial No. 11/032,233 (hereinafter "the '233 application") in the Office Action dated January 29, 2008, the Applicants note that this application was abandoned, effective March 26, 2008. Thus, the Applicants submit that the '233 application does not present any double patenting issues.

With regard to the obviousness-type double patenting rejection of claims 6-8 over claims 1-3 of Matsuo et al. (U.S. Patent No. 7,199,079, hereinafter "Matsuo") in the Office Action dated January 29, 2008, the Applicants submit that Matsuo discloses a purification catalyst for exhaust gas in which Pd is supported by an Al composite oxide. Nowhere does Matsuo teach a purification catalyst comprising a Pd oxide containing at least Ln_2PdO_4 supported by LnAlO_3 , where Ln is a rare-earth element. For at least

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these reasons, the Applicants submit that Matsuo's claims are patentably distinct from the presently claimed invention.

The Applicants sincerely appreciate the Examiner's consideration of these remarks.

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CONCLUSION

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 108421-00127.

Respectfully submitted,



Sushupta T. Sudarshan
Registration Number 60,021

Customer Number 004372
ARENT FOX LLP
1050 Connecticut Avenue, NW
Suite 400
Washington, DC 20036-5339
Telephone: 202-857-6000
Fax: 202-638-4810

STS:tnj

Enclosure: Petition Under 37 C.F.R. §1.182